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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,363	08/29/2001	John W. Smith	TESSERA 3.0-159 DIV	9946
530	7590	06/19/2003		
<b>LERNER, DAVID, LITTEMBERG, KRMHOLZ &amp; MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090</b>			<b>EXAMINER</b> [REDACTED]	
			<b>GREENE, PERSHELLE L</b> [REDACTED]	
			<b>ART UNIT</b> 2826	<b>PAPER NUMBER</b>
<b>DATE MAILED:</b> 06/19/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

A7

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/942,363	SMITH, JOHN W.
Examiner	Art Unit	
Pershelle Greene	2826	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 August 2001.
- 2)a) This action is FINAL.      2)b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 10-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-9 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

NATHAN J. FLYNN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

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**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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Serial Number: 09/942363  
Attorney's Docket #: TESSERA 3.0-159 DIV  
Filing Date: 08/29/2001

Applicant: Smith  
Examiner: Pershelle Greene

#### **DETAILED ACTION**

##### ***Election/Restrictions***

1. Applicant's election with traverse of Species I, figures 1-3 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that claims 1-9 and 14 are generic. This not is found persuasive because claim 14 depends on a non-elected claim. Claim 14 is not being examined

The requirement is still deemed proper and is therefore made FINAL.

##### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 5-9 are being rejected under 35 U.S.C. 103(a) as being unpatentable over Jimarez et al. (U.S. Patent # 6,191,952), in view of Johnson et al. (U.S. Patent # 6,043,990).

As to claims 1-3, Jimarez et al. shows, in figure 2, first 22 and second 12 microelectronic elements. There is a plurality of composite conductive elements 24 disposed between the microelectronic elements and connecting the microelectronics to one another. Jimarez et al. fails to explicitly show a composite conductive element including a core and a layer of conductive material surrounding the core.

Johnson et al. is cited for showing a multiple board package employing solder balls. Specifically, Johnson et al. is cited for showing composite conductive elements including a core and a layer of conductive material surrounding the core. The conductive material is a low-melting point exterior and the core is a high-melting point core.

It would have been obvious to one of ordinary skill in the art to use the conductive elements of Johnson et al. for the purpose of preventing collapsing of the microelectronic elements.

As to claims 5-9, the design of the core is a matter of design choice and will not effect the performance. Johnson et al. shows a solid spherical core.

#### ***Claim Objections***

4. Claim 4 is being objected to as being dependent upon a rejected base claim.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pershelle Greene whose telephone number is 703-305-3870. The examiner can normally be reached on M-F 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 703-308-6601. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PLG  
June 13, 2003